

United States District Court

JUL 21 2016

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

David J. Bradley, Clerk

UNITED STATES OF AMERICA
V.

CRIMINAL COMPLAINT

David Ovalle

PRINCIPAL

Case Number:

YOB: 1972

M-16-1367-M

the United Mexican States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about July 19, 2016 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Marvin Antonio Olivas-Velasquez, a citizen and national of Nicaragua, and Gloria Leticia Garcia-Franco, a citizen and national of the United Mexican States, along with two (2) other undocumented alien, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On July 19, 2016, at approximately 2030 hours, Border Patrol Agent Monahan responded to a call from The Department of Public Safety (DPS), Texas Highway Patrol (THP) Trooper Aulisio, requesting assistance at U.S. 83 and Francesca St. in Roma, Texas to determine alienage on several subjects. At approximately 2031 hours, BPA Monahan made contact with Trooper Aulisio, whom informed BPA Monahan that he had pulled over a Gold Chevy Tahoe, due to the passengers of the vehicle not wearing seatbelts and for a faulty third brake lamp. Trooper Aulisio suspected the subjects in the vehicle were undocumented aliens after they gave conflicting stories about where they were going. BPA Monahan questioned the driver, later identified as David OVALLE, as to his citizenship, to which he responded that he was a citizen of the United States. BPA Monahan questioned the four passengers of the vehicle as to their citizenship. All of the passengers were found to be illegally in the United States. OVALLE and all the passengers were placed under arrest and read their Miranda Rights.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Robert A. L.
August 7-21-16

N. Cantu, Jr.
Signature of Complainant

Sworn to before me and subscribed in my presence,

Nicolas Cantu, Jr. Senior Patrol Agent
Printed Name of Complainant

July 21, 2016
Date

9:00am at

McAllen, Texas
City and State

Peter E. Ormsby, U. S. Magistrate Judge
Name and Title of Judicial Officer

Peter E. Ormsby
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16-1367-M

RE: David Ovalle

CONTINUATION:

All the subjects were transported to the Rio Grande City, Texas United States Border Patrol Station for processing.

Principal Statement:

David Ovalle was read his Miranda Rights. He understood his rights and declined to provide a sworn statement.

Material Witnesses:

Marvin Antonio Olivas-Velasquez and Gloria Leticia Garcia-Franco were read their Miranda Rights. They both understood their rights and provided a sworn statement without the presence of an attorney.

Marvin Antonio Olivas-Velasquez, a citizen of Nicaragua, made arrangements with an unknown smuggler. He was charged \$5,000 USD to be smuggled into the United States. Oliva-Velasquez stated that he crossed at an unknown part of the Mexican border into the United States of America on July 19, 2016, by raft. He crossed with four other people and one guide. Once in the United States, they crossed a field and the Guide told them to wait by some trees. The Guide told them that a grey in color vehicle was going to be picking them up. After they waited for about 10 minutes a grey in color vehicle showed up in front of the trees where they were waiting and they all jumped in. Oliva-Velasquez identified David Ovalle as the driver of the grey vehicle through a photo lineup. Oliva-Velasquez remembered that Ovalle had black hair and wearing a blue T-shirt.

Gloria Leticia Garcia-Franco, a citizen of Mexico, paid \$1,000 USD for her smuggling arrangements. She entered on July 19, 2016 into the United States through Miguel Aleman. She was assisted by two guides during her crossing. There was a total of 4 subjects in the group. Once in the United States, they ran and crossed a street that they guide told them to cross. After that, the Guide told them to go into an abandoned house and wait. After about 20 minutes of waiting, a Chevy Tahoe, grey in color, pulled up to the abandoned house. The Driver of the Tahoe opened the door and they all proceeded to get in. The Driver told them to stay low. Garcia remembered the Drivers face, he was wearing glasses and had short curly hair. Gloria Leticia Garcia-Franco identified David Ovalle as the driver of the vehicle through a photo lineup.